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2
3 BILL NO. G-76-12- 48
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5 GENERAL ORDINANCE NO. G- 29-76

6 AN ORDINANCE AUTHORIZING THE EXECUTION
7 OF A CERTAIN QUIT CLAIM DEED TO
8 THE PEOPLES TRUST BANK AND EDITH
9 M. HIPsher, AS CO-TRUSTEES OF
A TESTAMENTARY TRUST UNDER THE
WILL OF SILAS Q. HIPsher,
DECEASED.

10 WHEREAS, heretofore on May 15, 1975 The Peoples Trust
11 Bank, Successor by change of name only to Peoples Trust and
12 Savings Company of Fort Wayne, Indiana and Edith M. Hipsher,
13 as Co-Executors of a Testamentary Trust under the Will of
14 Silas Q. Hipsher, deceased, did execute and deliver to the
15 City of Fort Wayne, Indiana, as Grantee, their certain
16 Trustee's Deed, which Deed was duly recorded on May 22, 1975
17 as Document No. 75-9558 in the Office of the Recorder of
18 Allen County, Indiana; and

19 WHEREAS, through error and inadvertence of the scrivener
20 of said Deed said real estate was incorrectly described and
21 the Grantors in said deed were incorrectly described; and

22 WHEREAS, both The Peoples Trust Bank, successor by change
23 of name only to Peoples Trust and Savings Company of Fort
24 Wayne, Indiana and Edith M. Hipsher, as Co-Executors of the
25 Testamentary Trust under the Will of Silas Q. Hipsher,
26 as Grantor in said erroneous Deed and the City of Fort Wayne,
27 Indiana as Grantee in said erroneous Deed have agreed that
28 the proper procedure in order to correct said error is to
29 have the City of Fort Wayne, Indiana convey back by Quit-
30 Claim Deed the real estate erroneously described in said
31 above Deed to The Peoples Trust Bank, successor by change
32 of name only to Peoples Trust and Savings Company of Fort Wayne,
33 Indiana and Edith M. Hipsher, as Co-Executors of the Testamen-
34 tary Trust under the Will of Silas Q. Hipsher, deceased,

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3 attested by the City Clerk of the City of Fort Wayne, Indiana
4 and said Deed shall be sealed with the seal of said City of
5 Fort Wayne, Indiana.

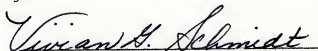
6 SECTION 2. The City of Fort Wayne, Indiana be and it
7 is hereby authorized and directed to receive from The
8 Peoples Trust Bank, successor by change of name only to
9 Peoples Trust and Savings Company of Fort Wayne, Indiana
10 and Edith M. Hipsher, Co-Trustees of a Testamentary Trust
11 under the Will of Silas Q. Hipsher, deceased, the following
12 described real estate in Allen County, Indiana, to-wit:

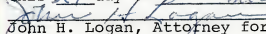
13 The fractional Section 4, Township 30 North,
14 Range 13 East, Allen County, Indiana, con-
15 taining 44.49 acres; the West part North of
16 the Maumee River of Section 3, Township 30
17 North, Range 13 East, Allen County, Indiana,
18 containing 128.97 acres, being all that
portion of said Section 3 lying north of
the Maumee River not originally in the E.
C. Kercheval Reserve, except that portion
lying north of Lake Avenue.

19 SECTION 3. This Ordinance shall be and constitute
20 sufficient authority for the Mayor and the City Clerk of
21 Fort Wayne, Indiana to execute above deed and for the City
22 of Fort Wayne, Indiana to receive said corrected Deed and
23 to do all things incident thereto and necessary therefor.

24 SECTION 4. This Ordinance is passed upon the same
25 date and at the same meeting at which it is introduced and
26 it is passed by the unanimous consent of all the members of
27 the Common Council present and there are present and voting
28 at least two-thirds of all the members elect of said Common
29 Council.

30 SECTION 5. This Ordinance shall be in full force and
31 effect from and after its passage.

32 
33 Councilman

34
35 Approved as to form and legality
this 27 day of December, 1976.

John H. Logan, Attorney for Common Council.

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: _____

CITY CLERK

Read the third time in full and on motion by J. Schmidt, seconded by Talarico, and duly adopted, placed on its passage.

PASSED (~~NOT~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<u>✓</u>				
HINGA	<u>✓</u>				
HUNTER	<u>✓</u>				
MOSES	<u>✓</u>				
NUCKOLS	<u>✓</u>				
SCHMIDT, D.				<u>✓</u>	
SCHIMDT, V.	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 12-28-76

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~)

ORDINANCE (~~RESOLUTION~~) No. 2-29-76 on the 28th day of Dec., 1976.
ATTEST: (~~SEAL~~)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of Dec., 1976, at the hour of 11:00 o'clock A. M., E.S.T.

CITY CLERK

Approved and signed by me this 6th day of January, 1976, at the hour of 8:30 o'clock A. M., E.S.T.

MAYOR

SUSPENSION OF RULES

BILL NO. G-76-12-48

Councilman V. Schmidt, moved to suspend the rules on passage of BILL NO. G-76-12-48, at this meeting of Dec. 28, 1976, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman

Hunter, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and General ORDINANCE was accordingly placed on its passage.

DATE: 12-28-76

Charles W. Tetstrom
CITY CLERK

PRESIDING OFFICER

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>BURNS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>HINGA</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>HUNTER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>MOSES</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>NUCKOLS</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>D. SCHMIDT</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>V. SCHMIDT</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>STIER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>TALARICO</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Bill No. D-29-76

ATTEST:

(SEAL)

DATE: 12-28-76

Charles W. Tetstrom
CITY CLERK

Chas. Waterman

December 29, 1976

Mayor Robert E. Armstrong
9th Floor
City-County Building
Fort Wayne, In. 46802

Re: General Ordinance No. G-76-12-48.
An Ordinance authorizing execution of
a certain Quit Claim Deed to The
Peoples Trust Bank, and Edith M.
Hipsher as Co-Trustees under the Will
of Silas Q. Hipsher, deceased.

Dear Mayor Armstrong:

At the regular session of the City Council on December 28, 1976 the above Ordinance, G-76-12-48, was passed and is submitted herewith to you for your approval. The reason for the Quit Claim Deed and new Deed from the Co-Trustees is because errors were made in the office of the Attorney preparing the Deed to the City of Fort Wayne, which errors were in the description of the real estate conveyed by the Deed to the City of Fort Wayne. The erroneous Deed submitted to the City and recorded by the City on May 22, 1975 as Document No. 75-9558 in the Recorder's Office of Allen County failed to show the exception from the real estate of that portion thereof lying north of Lake Avenue. Also, the description of the Grantor in this Deed was The Peoples Trust Bank, successor by change of name only to Peoples Trust & Savings Company of Fort Wayne and Edith M. Hipsher as Co-Executors of the Testamentary Trust Under the Will of Silas Q. Hipsher, deceased, whereas the Deed was signed by The Peoples Trust Bank, successor by change of name only to Peoples Trust & Savings Company of Fort Wayne and Edith M. Hipsher, as Co-Trustees of the Testamentary Trust under the Will of Silas Q. Hipsher, deceased.

When I received the request for this correction I conferred with Mr. Philip Boler in the City Water Pollution Control Department. Mr. Boler has already detected the error and gave me the corrected description. I then conferred with the office of Mr. Martin Torborg, Attorney for the Testamentary Trust and verified that the mistake as to description

Mayor Robert E. Armstrong
Page #2
December 29, 1976

and mistake as to the identification of the Co-Trustees in the Deed had been made. Accordingly, the Quit Claim Deed has been prepared for your signature and the attestation of Mr. Charles W. Westerman, as City Clerk. Copy of this letter to you is being sent to Mr. Salin for his future information in this matter. I have arranged with Mr. Torborg to send the corrected Deed to me. I will hold the same, recheck it with Mr. Boler and Mr. Salin and I suggest that the Deed signed by you and attested by the City Clerk be also held in the Clerk's office until these matters are completed. The deed can then be given to Mr. Boler who in turn will process it for recording.

Yours very truly,

JOHN H. LOGAN,
Attorney for Common Council
jhl/bm
cc: Mr. Charles W. Westerman
cc: Mr. William Salin

TRUSTEE'S DEED

PEOPLES TRUST BANK, successor by change of name only to PEOPLES TRUST AND SAVINGS COMPANY OF FORT WAYNE, INDIANA, and EDITH M. HIPSHER, as Co-Trustees of a Testamentary Trust under the Will of Silas Q. Hipsher, Deceased, of Allen County, in the State of Indiana, CONVEY to

THE CITY OF FORT WAYNE, INDIANA, a municipal corporation organized under the Laws of the State of Indiana, of Allen County, in the State of Indiana,

FOR AND IN CONSIDERATION OF ONE DOLLAR (\$1.00) and other valuable consideration, receipt whereof is hereby acknowledged, the following described real estate in Allen County, Indiana, to wit:

The fractional Section 4, Township 30 North, Range 13 East, Allen County, Indiana, containing 44.49 acres; the West part North of the Maumee River of Section 3, Township 30 North, Range 13 East, Allen County, Indiana, containing 128.97 acres, being all that portion of said Section 3 lying north of the Maumee River not originally in the E. C. Kercheval Reserve, except that portion lying north of Lake Avenue.

This conveyance is made subject to the taxes for the year 1975, payable in the year 1976, and all subsequent taxes and all assessments which the Grantee herein assumes and agrees to pay.

This deed is given for the express purpose of correcting a scrivener's error contained in the real estate description and other errors in a deed/heretofore given by the Grantors herein to the Grantee herein, which deed is dated the 15th day of May, 1975, and May 22, 1975 recorded/as Instrument No. 75-09558 in the Allen County Recorder's Office. The original deed failed to except

from the description that portion of the real estate lying north of Lake Avenue. The City actually purchased and paid for only that part of said above description lying south of Lake Avenue.

IN WITNESS WHEREOF we have hereunto set our hands and Seals this 21st day of May 1976.

x Edith M. Hipsher
Edith M. Hipsher

PEOPLES TRUST BANK

By G. James Boeglin

ATTEST:

Margaret Hillery

Co-Trustees of a Testamentary Trust
under the Last Will of
Silas Q. Hipsher, Deceased

STATE OF INDIANA:

SS

COUNTY OF ALLEN :

Before me, the undersigned, a Notary Public in and for said County and State, this 21st day of May, 1976 personally appeared Edith M. Hipsher and G. James Boeglin of PEOPLES TRUST BANK, and acknowledged the execution of the foregoing deed as Co-Trustees of a Testamentary Trust under the Last Will of Silas Q. Hipsher, Deceased.

In witness whereof I have hereunto subscribed my name and affixed my official seal.

Carolyn E. Parker
(Carolyn E. Parker) Notary Public

My commission expires 10/6/78.

THIS INSTRUMENT WAS PREPARED BY MARTIN P. TORBORG, ATTORNEY AT LAW

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH That CITY OF FORT WAYNE, INDIANA, a Municipal Corporation, of Allen County, in the State of Indiana, Releases and Quit Claims to The Peoples Trust Bank, Successor By Change of Name only to Peoples Trust and Savings Company of Fort Wayne, and Edith M. Hipsher, as Co-Trustees of the Testamentary Trust under the Last Will Silas Q. Hipsher, deceased and to The Peoples Trust Bank, Successor by Change of Name only to Peoples Trust and Savings Company of Fort Wayne, and Edith M. Hipsher, as Co-Executors of the Testamentary Trust under the Last Will of Silas Q. Hipsher, deceased, of Allen County, in the State of Indiana, for and consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following Real Estate in Allen County, in the State of Indiana, to wit:

The Fractional Section 4, Township 30 North Range 13 East, Allen County, Indiana, containing 44.49 acres; the West part North of the Maumee River of Section 3, Township 30 North, Range 13 East, Allen County, Indiana, containing 128.97 acres, being all that portion of said Section 3 lying north of the Maumee River not originally in the E. C. Kercheval Reserve;

This Deed is made for the purpose of correcting errors in a certain Trustee's Deed dated May 15, 1975 and recorded May 22, 1975 as Document No. 75-9558 in the Office of the Recorder of Allen County, Indiana.

Dated this 6th day of January, 1976.

CITY OF FORT WAYNE, INDIANA

By: Robert E. Armstrong (Seal)
Robert E. Armstrong, its Mayor

ATTESTED:

By: Charles W. Westerman (Seal)
Charles W. Westerman, its City Clerk

STATE OF INDIANA, COUNTY OF ALLEN, SS:

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____, 1976 personally appeared City of Fort Wayne, Indiana, by Robert E. Armstrong, its Mayor and attested by Charles W. Westerman, its City Clerk, and acknowledged the execution of the foregoing deed.

IN WITNESS WHEREOF, i have hereunto subscribed my name and affixed my official seal.

Notary Public

My commission expires _____

This instrument prepared by JOHN H. LOGAN, Attorney-at-law,
Member Allen County Indiana Bar Association.